



## Austin City Council MINUTES

MARCH 11, 1993 - 1:00 P.M.

### MEETING CALLED TO ORDER - 1:00 P.M.

Mayor Todd called to order the meeting of the Council, noting the presence of all members of the Council.

### MINUTES APPROVED

1. Approval of Minutes for Regular Meeting of March 4, 1993 and Special Meetings of March 3 (2:00 and 4:00 P.M.) and March 4, 1993.

Approved as corrected, on Councilmember Larson's motion,  
Councilmember Garcia's second, 7-0 Vote.

### CITIZEN COMMUNICATIONS: GENERAL

2. Ms. Patricia Valls-Trelles, to report on status of Austin Animal Shelter, Inc.
3. Mr. Allen H. Kaplan, to discuss the "Build Austin" program.
4. Mr. Richard Trachtenberg, to discuss how the City of Austin's Public Information Officer has upset the level playing field for the upcoming municipal election.
5. Mr. Robert Brandes, to discuss the Balcones Canyonlands Conservation Plan.
6. Mr. Leonard Lyons, to discuss Snow White and the Seven Dwarfs @ Disneyland.
7. Mr. Terry Liberty Parker, to discuss the City resolution regarding Gun Control.
8. Mr. John Morran, to discuss participation of Real Estate Council of Austin in Capital Area Food Bank.
9. Mr. Henry Ratliff, to discuss reflections on citizen participation.

## ORDINANCES

10. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as the property situated along U.S. Highway 290 West, Case No. C14-92-0065, from "DR", Development Reserve to "CS-CO", Commercial Services-Conditional Overlay, FRIDAY MOUNTAIN JOINT VENTURE (Dan Herd), by Bury & Pittman (Greg Strmiska). First reading on September 3, 1992; Vote 7-0. Conditions met as follows: Restrictive covenant incorporating conditions imposed by Council has been executed.

On Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

### Budget Amendments (Items 11-24)

11. Amend Ordinance No. 920922-E, the 1992-93 operating budget for the General Fund by increasing budgeted Medicaid revenues by \$280,000, and Medicare revenues by \$320,000, and appropriating \$600,000 to the Health and Human Services Department to fund service expansions and the initial costs associated with operation as a federally Qualified Health Center (FQHC), and adding 36.25 FTE positions.
12. Amend Ordinance No. 920922-E, the 1992-93 operating budget for the Special Revenue Fund of the Health Department by appropriating \$766,719 from the Health and Human Services Department Disproportionate Share Fund, to fund structural changes for the clinic system and improve the delivery of health care to indigents.
13. Amend Ordinance No. 920922-E, the 1992-93 operating budget by accepting an increase in revenues from the Texas Department of Human Services (TDHS), in the amount of \$36,421 in the Title XX Family Planning Program, and \$62,000 in the Title XIX Medicaid Program; increasing budgeted revenues by \$98,421 and appropriating \$98,421 to the Health and Human Services Department budget for the Family Planning Program.
14. Amend Ordinance No. 920922-E, the 1992-93 General Fund operating budget, by decreasing the Transfer Out by \$22,500 and increasing the appropriation of the Health and Human Services Department by \$22,500, to fund a detoxification center; amend Ordinance 920922-E, the 1992-93 Support Services Fund operating budget, by decreasing Transfers In from the General Fund by \$22,500 and decreasing the appropriation of the City Clerk's Office by \$22,500, the amount of anticipated savings from decreased election expenses.
15. Amend Ordinance No. 920922-E, the 1992-93 operating budget, by amending the 1992-93 operating budget of the Department of Public

Works and Transportation by increasing budgeted revenues by \$330,000 and increasing appropriations by \$330,000 as a result of increased subdivision activity.

16. Amend the 1992-93 operating budget of the Child Safety Fund by increasing the beginning balance of the Child Safety Fund by \$139,400, increasing revenues for the Child Safety Fund by \$201,000, and increasing appropriations in the Child Safety Fund by \$340,700, for the construction of sidewalks near schools.
17. Amend Ordinance No. 920922-E, the 1992-93 operating budget, by increasing budgeted revenues by \$600,000 for the Department of Planning and Development; appropriating \$599,596 to the Department of Planning and Development; and authorizing an additional 13.5 positions for the Department of Planning and Development to address work required as a result of additional development activity.
18. Authorize application for and acceptance of \$1,865,000 in HOME Investment Partnership Program funds from the U.S. Department of Housing and Urban Development; create a Department of Planning and Development Special Revenue Fund for the HOME Year 2 Program; amend Ordinance No. 920922-E, the 1992-93 General Fund operating budget by increasing budgeted Sales Tax Revenue by \$450,000 and transferring \$450,000 from the General Fund to the Department of Planning and Development (HOME Year 2) Special Revenue Fund; amend the 1992-93 operating budget by appropriating \$2,315,000 to the Department of Planning and Development (HOME Year 2) Special Revenue Fund, increasing revenues and expenditures. (To be reviewed by Housing Subcommittee on March 9, 1993.) [City's match is \$489,905 - To be funded by \$450,000 in Sales Tax revenue and \$39,905 in Tax Abatement.] Recommended by Housing Subcommittee on March 9, 1993.
19. Authorize incorporation and organization of two non-profit corporations to own, develop and manage a youth recreational facility for disadvantaged youth in economically depressed neighborhoods, and to file articles of incorporation with the Secretary of State; amend Ordinance No. 920922-E, the 1992-93 General Fund operating budget, by increasing budgeted Sales Tax Revenue by \$500,000; amend the 1992-93 operating budget by appropriating \$500,000 to the Department of Planning and Development; authorize negotiation of a contract with Invest In Neighborhoods, Inc., a non-profit corporation to be formed by the City of Austin for acquisition of a youth recreational facility in East Austin, in the amount of \$500,000. Recommended by Housing Subcommittee on March 9, 1993.
20. Amend Ordinance No. 920922-A, the 1992-93 operating budget by amending the 1992-93 operating budget of the Drainage Utility, and the 1992-93 operating budget of the Environmental and Conservation Services Department by: (a) increasing development fee revenues in

the Drainage Utility by \$104,716; (b) increasing appropriations in the Drainage Utility by \$104,716; (c) increasing appropriations for expenses and expense refunds in the Environmental and Conservation Services Department by \$104,716; and (d) authorizing two additional regular full-time positions and two temporary positions in the Environmental and Conservation Services Department to address increased work associated with an increase in development activity. (Funding provided by projected development fee revenues.) [To be reviewed by Environmental Board on March 10, 1993.] Recommended by Environmental Board on March 10, 1993.

21. Amend Ordinance No. 920922-E, the 1992-93 operating budget for the General Fund by increasing budgeted Sales Tax revenues by \$100,521 and increasing appropriations by the same amount in the Police Department operating budget to fund a 5% step increase for police officers with twenty-four (24) or more years of service.
22. Amend Ordinance No. 920922-E, the 1992-93 operating budget for the General Fund, by increasing budgeted Sales Tax revenues by \$62,414, increasing appropriations for the Library Department by \$62,414, and adding 7.5 FTEs to the Library Department.
23. Amend Ordinance No. 920922-E, the 1992-93 operating budget, to increase budgeted revenues and appropriations by \$109,395; appropriating \$109,395 to the 1992-93 operating budget of the Law Department for personnel costs, equipment and supplies.
24. Amend Ordinance No. 920922-E, the 1992-93 General Fund operating budget, increasing budgeted sales tax revenues by \$210,000, and increasing Transfers Out to the Support Services Fund by \$210,000; amend Ordinance No. 920922-E, the 1992-93 Support Services Fund operating budget, to increase Transfers In from the General Fund by \$210,000, increase appropriations by \$151,000 for the Office of Minority Business Affairs (OMBA), and \$59,000 for the Purchasing Office to add 6 full-time employees associated with MBE/WBE Procurement and Affirmative Action.

#11-24 on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

25. Approve the Austin/Travis County Federally Qualified Health Center (FQHC) Schedule of Fees and a corresponding Schedule of Discounts adjusted on the basis of the patients' ability to pay, as well as the methodologies associated with each.

On Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

26. Approve ordering an election on May 1, 1993 for the purpose of electing three (3) Council Members of the City of Austin and for the

purpose of authorizing airport systems revenue bonds for a municipal airport at the Bergstrom Air Force Base site. (Related to Item 48)

Motion

Councilmember Larson made a motion to approve, seconded by Councilmember Reynolds, with the deletion of the Northcross Mall site as a voting place; another will be named in its place.

Amendment to the Motion - Withdrawn

Councilmember Larson made a motion, seconded by Councilmember Epstein to amend the motion by adding #54 on this agenda: Amend the ordinance calling the election of May 1, 1993 by adding a proposition regarding the issuance of general obligation bonds to address flooding in the Creekbend area.

After discussion by Council, the motion and second were withdrawn and the City Council directed the City Manager to direct staff to bring back funding opportunities at the regular meeting of March 18, 1993.

Amendment to Motion

Councilmember Larson made a motion, seconded by Councilmember Reynolds to amend the original motion by adding: Amend ordinance calling the election of May 1, 1993 by adding a proposition related to the employment status of city employees. Motion passed by a vote of 4-3 with Councilmembers Garcia and Nofziger and Mayor Todd voting No.

Roll Call on Motion with Amendment

7-0 Vote

52. (Addendum) Authorize acceptance of \$20,913 in additional grant funds from the Texas Department of Health, Division of Maternal Health and Family Planning, for Family Planning Services; amend Ordinance No. 920922-E, the 1992-93 operating budget, amending the Special Revenue Fund by appropriating an additional \$20,913, for a total grant amount of \$105,075 in the Health and Human Services Department Special Revenue Fund.

On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

RESOLUTIONS

27. Approve execution of a twelve (12) month supply agreement with CONLEY LOTT NICHOLS MACHINERY, San Antonio, Texas, for the purchase of repair parts for Mobil street sweeper trucks used by Solid Waste

Services, in an amount not to exceed \$35,000 with options to extend the agreement for two (2) additional twelve (12) month periods in amounts of \$35,000 each, for a total contract amount not to exceed \$105,000. (Funding in the amount of \$16,042 is available in the 1992-93 operating budget of the Fleet and Radio Fund; funding for the remaining \$18,958 of the contract and the extension options will be contingent upon availability of funding in future budgets.) Low bid of two (2) meeting specifications. No M/WBE subcontracting opportunities were identified. Reference No. 930099-1RF.

28. Approve execution of a twelve (12) month supply agreement with DRAKE-SCRUGGS EQUIPMENT, Broken Arrow, Oklahoma, for the purchase of equipment repair parts for the Pitman aerial tower trucks and cranes in the City's fleet, in an amount not to exceed \$50,000, with options to extend the agreement for two (2) additional twelve (12) month periods, in amounts of \$50,000 each, or a total contract amount not to exceed \$150,000. (Funding in the amount of \$22,917 is available in the 1992-93 operating budget of the Fleet and Radio Fund; funding for the remaining \$27,083 of the contract and the extension options is contingent upon availability of funding in future budgets.) Low bid of three (3). No M/WBE subcontracting opportunities were identified. Reference No. 930100-1RF.
29. Approve a construction contract award to ENVIRONMENTAL SURVEY CONSULTING (WBE), Austin, Texas, for the installation of a landscaping and irrigation system at the St. Elmo Service Center Wet Pond, in the amount of \$58,000. (Funding included in CIP 807-607-1301.) Single bid. 10.35% MBE, 1.04% WBE subcontractor participation.
30. Authorize and approve an Escrow Agreement with the TEXAS DEPARTMENT OF TRANSPORTATION for the relocation of a water line on U.S. 183 from the Williamson County line to the Lakeline Drive project, in the amount of \$32,900. (Funding included in the 1991-92 Capital budget for the Water and Wastewater Department.)
31. Authorize and approve an Escrow Agreement with the TEXAS DEPARTMENT OF TRANSPORTATION, for the demolition of a building located at 12611 Research Blvd., which is encroaching on a City of Austin water and wastewater easement, in the amount of \$7,500. (Funding is included in the 1991-92 Capital Budget for the Water and Wastewater Department.)
32. Approve execution of a contract with WAYEST SAFETY, INC., Dallas, Texas, for the purchase of replacement parts for breathing air packs for use by the Fire Department, in the amount of \$40,242.22. (Funding is available in the 1992-93 operating budget of the Fire Department.) Low bid of two (2). No M/WBE subcontracting opportunities were identified. Reference No. MN93100007.

33. Approve execution of a contract with TOP OF THE TABLE, INC., San Antonio, Texas, for the purchase of a dishwasher for Brackenridge Hospital, in an amount not to exceed \$53,353. (Funding is available in the 1992-93 operating budget of Brackenridge Hospital.) Low bid of five (5). No M/WBE subcontracting opportunities were identified. Reference No. BH3-009.
34. Approve execution of a twelve (12) month supply agreement with OWENS & MINOR, Houston, Texas, for probes and irrigators used in the Surgery Department during examination of the interior of the abdomen, in an amount not to exceed \$85,470, including an option to extend thereafter for up to one (1) additional twelve (12) month period, in an amount not to exceed \$85,470, for a total amount not to exceed \$170,940. (Funding in the amount of \$49,857.50 is available in the 1992-93 operating budget of Brackenridge Hospital; funding for the final five (5) months of the original contract and the extension option is contingent upon available funding in future budgets.) Low bid of four (4). No M/WBE subcontracting opportunities were identified. Reference No. BS3-075.
35. Approve execution of a contract with ACUSON CORPORATION, Mountain View, California, for an upgrade to the ultrasound system used in the Imaging Services Department of Brackenridge Hospital, in an amount not to exceed \$78,150. (Funding is available in the 1992-93 operating budget of Brackenridge Hospital.) Sole Source. No M/WBE subcontracting opportunities were identified. Reference No. BH3-046.
36. Approve execution of a twelve (12) month supply agreement with AMERICAN FLOW CONTROL, Dallas, Texas, for the purchase of approximately 175 fire hydrants, in an amount not to exceed \$75,725.25, with two (2) twelve (12) month extension options, in an amount not to exceed \$75,725.25 per extension, for a total amount not to exceed \$227,175.75. (Funding in the amount of \$44,173.06 is available in the 1992-93 operating budget of the Water and Wastewater Utility; funding for the final five (5) months of the original contract period and the extension options is contingent upon available funding in future budgets.) Low bid of five (5). No M/WBE subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission) Reference No. SH93100009.

#27-36 on Councilmember Garcia's motion, Councilmember Reynolds' second. 7-0 Vote.

37. Adopt Goals and Objectives for Fiscal Year 1993-94.

On Councilmember Garcia's motion, Councilmember Nofziger's second, to adopt as amended, 6-0 Vote, Mayor Pro Tem Urdy out of the room. There was a motion to reconsider to hear a citizen, on Councilmember

Reynolds' motion, Councilmember Epstein's second. 6-0 Vote, Mayor Pro Tem Urdy out of the room. A motion to approve as amended by Councilmember Reynolds and seconded by Councilmember Epstein, passed by a 6-0 Vote, Mayor Pro Tem Urdy out of the room.

53. (Addendum) Introduce and support an amendment to the Texas Election Code concerning run-off elections that occur on or near holiday weekends. (To be reviewed by Legislative Subcommittee on Monday, March 8, 1993)

On Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

#### ITEMS FROM COUNCIL

38. Approve an Ordinance canceling the regular City Council meeting of April 29, 1993. (Councilmember Gus Garcia and Mayor Bruce Todd)

On Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

39. Approve a resolution requesting that Texas Parks and Wildlife perform an Environmental Assessment of the wastewater project, South Austin Outfall, Phase II, prior to start of project construction. (Councilmembers Michael "Max" Nofziger and Gus Garcia)

Postponed to April 1, 1993.

40. Direct the City Manager to develop a process in cooperation with the Convention Center architect to select art work for the Austin Convention Center from local artists and to identify funding in the amount of \$200,000 within the budget of the Convention Center project. (Councilmembers Michael "Max" Nofziger and Gus Garcia)

#### Motion

Councilmember Garcia made a motion, seconded by Councilmember Nofziger, to approve.

#### Substitute Motion - FAILED

Councilmember Reynolds offered a substitute motion to send this item to the Audit and Finance Subcommittee next week, with additional information regarding total needs and revenues to the end of the year. Councilmember Larson seconded the motion and asked that a display of rotating art be considered. Motion FAILED by a vote of 3-4 with Mayor Todd, Mayor Pro Tem Urdy and Councilmembers Garcia and Nofziger voting No.



### Roll Call on Motion

4-2-1 Vote, Councilmembers Epstein and Larson voted No, Councilmember Reynolds abstained.

41. Introduce and seek passage of legislation relating to the use of automated traffic enforcement. (Councilmember Louise Epstein)

On Councilmember Epstein's motion, Councilmember Reynolds' second, 6-0 vote, Councilmember Reynolds out of the room at time of roll call. (There was discussion between the time the motion was made and the time of roll call.)

54. (Addendum) Amend the ordinance calling the election of May 1, 1993 by adding a proposition regarding the issuance of general obligation bonds to address flooding in the Creekbend area (Councilmember Bob Larson)

Please refer to Item 26 for action on #54.

55. (Addendum) Amend the ordinance calling the election of May 1, 1993 by adding a proposition related to the employment status of city employees. (Councilmember Bob Larson)

Please refer to Item 26 for action on #55.

### 4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

42. C14-92-0078 - AUSTIN TREEMONT INC., (Larry Peel), by Land Strategies, Inc. (Paul Linehan), 1300-1400 Block of Capital Parkway and 2800 Block of Montebello. Planning Commission Recommendation: To grant SF-2-CO, Single-Family Residence (standard lot)-Conditional Overlay, zoning with the condition that access to Barton Skyway be prohibited, and including conditions offered by the applicant related to transportation and land use/zoning.
43. C14-92-0136 - AUSTIN TREEMONT INC. (Larry Peel), by Land Strategies, Inc. (Paul Linehan/Jim Bechtol) 1001-1921 Capital Parkway and 1000-1920 Mopac South. Planning Commission Recommendation: To grant SF-6-CO, Townhouse and Condominium Residence-Conditional Overlay, zoning as amended, subject to: (1) limitation of 506 units (9.35 units per acre); (2) posting of fiscal surety for roadway improvements as outlined in the Memorandum from George Zapalac to Betty Baker, dated January 6, 1993; and (3) the tract of land north of Capital Parkway (zoned SF-3), adjacent to single-family lots and a portion of the LO tract (the triangular portion that would remain if Capital Parkway were extended to connect to Doris Ann Boulevard) will remain undeveloped as an open space, and the only permitted

development will be a storage facility for maintenance of all open-space areas. Also, including conditions offered by the applicant relating to transportation and land use/zoning.

44. C14-92-0137 - AUSTIN TREEMONT INC. (Larry Peel), by Land Strategies, Inc. (Paul Linehan/Mike McBride), 1000-1032 Capital Parkway. Planning Commission Recommendation: To grant MF-2-CO, Multifamily Residence (low density)-Conditional Overlay zoning subject to: (1) limitation of 106 units (17.3 units per acre); (2) posting of fiscal surety for roadway improvements as outlined in the Memorandum from George Zapalac to Betty Baker, dated January 6, 1993; and including conditions offered by the applicant relating to transportation and land use/zoning.

Zoning Cases 42-44, The Department of Law and Planning and Development request an indefinite postponement of the public hearing on the Treemont cases due to the pending roadway amendment request filed by the applicant. Staff will reschedule the cases following Council action on the roadway amendment request, which is scheduled to occur in late April.

These cases, 42-44, were postponed to April 1, 1993 at 4:00 P.M., after the Austin Metro Roadway Plan has been heard, which will be scheduled for 3:00 P.M.

#### PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

45. 4:30 P.M. - Appeal of Planning Commission denial of a Compatibility setback waiver for the Sterling Springs Apartments swimming pool, located at 2809 William Cannon Drive. (This case will be postponed to April 1, 1993 at 4:30 p.m. Posting of this case on this agenda is required due to a previous notification for this date.)

Postponed to April 1, 1993.

#### Balcones Canyonlands Conservation Plan (Items 46-47)

46. 5:00 P.M. - Financial Plan (Chapter 14) of the Balcones Canyonlands Conservation Plan and approve submittal to the U.S. Fish & Wildlife Service as Phase II of the Balcones Canyonlands Conservation Plan (BCCP) application.

Speaker's cards are on file in the City Clerk's office. There were no motions made by Council, because, according to Charles Griffith, Deputy City Attorney, this hearing was not a requirement.

47. Approve establishing an Interim Coordinating Committee for the Balcones Canyonlands Conservation Plan.

On Councilmember Garcia's motion, Councilmember Epstein's second, 5-0 Vote, Councilmember Nofziger and Mayor Pro Tem Urdy out of the room.

RECESS - Council recessed its meeting from 6:15 to 7:00 P.M. on Councilmember Epstein's motion, Councilmember Larson's second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Nofziger out of the room.

48. 5:30 P.M. - Presentation and discussion of Master Plan, sound contours and neighborhood traffic patterns for the new airport at Bergstrom Air Force Base. (Related to Item 26)

Speakers cards are on file.

The public hearing was closed, on Councilmember Reynolds' motion, Councilmember Garcia's second, 5-0 Vote, Councilmembers Epstein and Nofziger out of the room.

EXECUTIVE SESSION (No Public Discussion on These Items)

The Executive Session was held on the morning of this date.

The City Council will announce that it will go into Executive Session, if necessary, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters. No final action will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

Pending/Contemplated Litigation - Section 2, Paragraph e

49. Discussion of applications of Garwood Irrigation Company, and Pierce Ranch/Lower Colorado River Authority to amend Certificates of Adjudication Nos. 14-5434, 14-5477, respectively, pending before the Texas Water Commission.
56. (Addendum) Discussion of Save Our Springs Legal Defense Fund and Save Barton Creek Association v. City of Austin et al, Cause No. 92-16982. (South Austin Outfall Litigation)

Potential Settlement of Disputed Claims - Section 2, Paragraph e

50. Discuss settlement of arbitration award on the Austin Cablevision appraised value.

Land Acquisition - Section 2, Paragraph f

51. Discussion of Real Property Acquisition for Parks and Recreation purposes.

ADJOURN - 11:35 P.M. Council had voted earlier, on Councilmember Epstein's motion, Councilmember Garcia's second, to allow the meeting to continue past the 10:00 P.M. adjournment, 7-0 Vote.